

IN RE: PETITION FOR ADMIN. VARIANCE  
N/S Holly Neck Road, 380' W of  
the c/l of Maple Road  
(1816 Holly Neck Road)  
15th Election District  
5th Councilmanic District

Douglas A. Rabold  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 98-389-A

\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Douglas A. Rabold. The Petitioner seeks relief from Sections 1A04.3.B.1&2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an undersized lot with side yard setbacks of 7 feet and 11 feet in lieu of the minimum required 50 feet for a proposed replacement dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

ORDER RECEIVED FOR FILING

Date

By

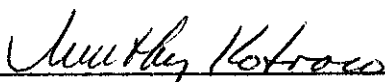
B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of May, 1998 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.B.1&2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an undersized lot with side yard setbacks of 7 feet and 11 feet in lieu of the minimum required 50 feet for a proposed replacement dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 5/14/98  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

May 14, 1998

Mr. Douglas A. Rabold  
1816 Holly Neck Road  
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Holly Neck Road, 380' W of the c/l of Maple Road  
(1816 Holly Neck Road)  
15th Election District - 5th Councilmanic District  
Douglas A. Rabold - Petitioner  
Case No. 98-389-A

Dear Mr. Rabold:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File





# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1816 Holly Neck Road

which is presently zoned R.C.5

This Petition shall be filed with the Dept. of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04, 3.B. 1+2 And 304, BCZR,

(Sideyard) To Permit An undersized lot with sideyard setbacks

of 7ft. And 11ft. in lieu of the Required 50ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Existing Property is only 42' Wide

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Douglas A Rabold

Douglas Rabold

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

1816 Holly Neck Rd. 410 391-6318

Address Phone No.

(Type or Print Name)

Baltimore, Maryland 21221

City State Zipcode

Signature

Name, Address and phone number of representative to be contacted

Same

Name

Address

Phone No.

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ESTIMATED POSTING DATE: \_\_\_\_\_



Printed with Soybean Ink  
on Recycled Paper

ITEM #: \_\_\_\_\_

98-389-A

ORDER RECEIVED FOR FILING

Date 5/14/08

By [Signature]

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1816 Holly Neck Road  
address  
Baltimore Maryland 21221  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

- 1) Existing House is in Deplorable Condition
- 2) Existing House is only 2 Bedrooms With A Family of 6 Living in The House

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Douglas A. Rabold  
(signature)  
Douglas A. Rabold  
(type or print name)



\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of APRIL, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DOUGLAS A. RABOLD

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

APRIL 16, 1998  
date

Stella Ruth Lowery  
NOTARY PUBLIC  
STELLA RUTH LOWERY

My Commission Expires: OCTOBER 1, 2001

ORDER RECEIVED FOR FILING

Date

By

BEGINNING FOR THE SP... ON THE NORTH SIDE OF HOLLY NECK ROAD

380'± WEST FROM THE CENTER LINE OF MAPLE ROAD.

N. 7'02" W. 249.25 FT., S. 82'58" W. 42 FT., S. 7'02" E. 249.25  
FT., N. 82'58" E. 42 FT. TO PLACE OF BEGINNING.

1816 Holly Neck Rd.

E.D. 15

C.D. 5

98-389-A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 353155

DATE 4.16.78 ACCOUNT FILL 6150

AMOUNT \$ 50.00

RECEIVED FROM: PABLO — 1816 Holly Neck Rd.

FOR: (CIV) Ad. Upr.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PROCESS ACTUAL TIME  
4/17/1998 4/16/1998 15:04:00

RE: 0602 CASHIER JRIC JMR DRAWER 2  
5 MISCELLANEOUS CASH RECEIPT

Receipt # 041424  
CR NO. 053155

UTM

50.00 CHECK

Baltimore County, Maryland

98-389-A

CASHIER'S VALIDATION

A-92E-8P

**CERTIFICATE OF POSTING**

RE: Case No. 98-389-A  
Petitioner/Developer:  
(Douglas Rabold)  
Date of ~~Posting~~ Closing:  
(May 11, 1998)

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by  
law were posted conspicuously on the property located at \_\_\_\_\_  
1816 Holly Neck Road Baltimore, Maryland 21221 \_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ Apr. 24, 1998 \_\_\_\_\_  
(Month, Day, Year)

Sincerely,

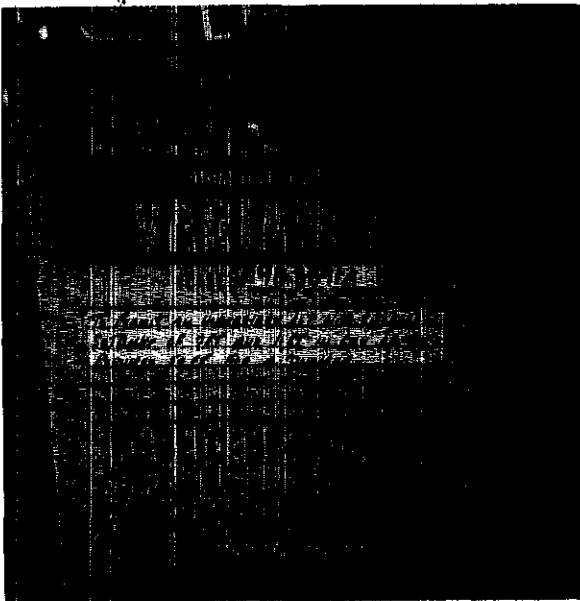
  
(Signature of Sign Roster & Date)

\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_ (410)-687-8405 \_\_\_\_\_  
(Telephone Number)





RE: PETITION FOR ADMINISTRATIVE VARIANCE \* BEFORE THE  
1816 Holly Neck Road, N/S Holly Neck Rd, \*  
380'± W from c/l Maple Road \* ZONING COMMISSIONER  
15th Election District, 5th Councilmanic \* OF BALTIMORE COUNTY  
Douglas A. Rabold \*  
Petitioner \* CASE NO. 98-389-A


\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



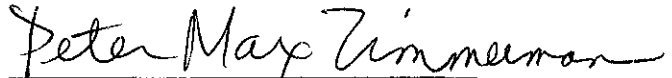
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of May, 1998, a copy of the foregoing Entry of Appearance was mailed to Douglas A. Rabold, 1816 Holly Neck Road, Baltimore, MD 21221, Petitioner.



PETER MAX ZIMMERMAN



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 389

Petitioner: Douglas A Rabold

Location: 1816 Holly Neck Road Baltimore Maryland 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Douglas A Rabold

ADDRESS: 1816 Holly Neck Road

Baltimore, Maryland, 21221

PHONE NUMBER: 410-391-6318

AJ:ggs

98-389-A

(Revised 09/24/96)

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**DATE:** May 5, 1998

**FROM:** Arnold F. "Pat" Keller, III, Director  
Office of Planning

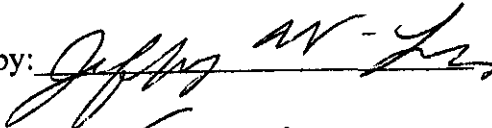
**SUBJECT:** Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 389, 397, 400 and 402

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:



Division Chief:



AFK/JL

NOTE TO FILE:

1. APPLICANT WAS ADVISED THAT  
PICTURES ARE REQ'D.

JCH

O-K

5/6/98

JRF

98-389-A

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 98- 389 -A Address 1816 Holly Neck Rd.

Contact Person: J. Meppa Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 4.16.98 Posting Date: 4.26.98 Closing Date: 5.11.98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

-----  
(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

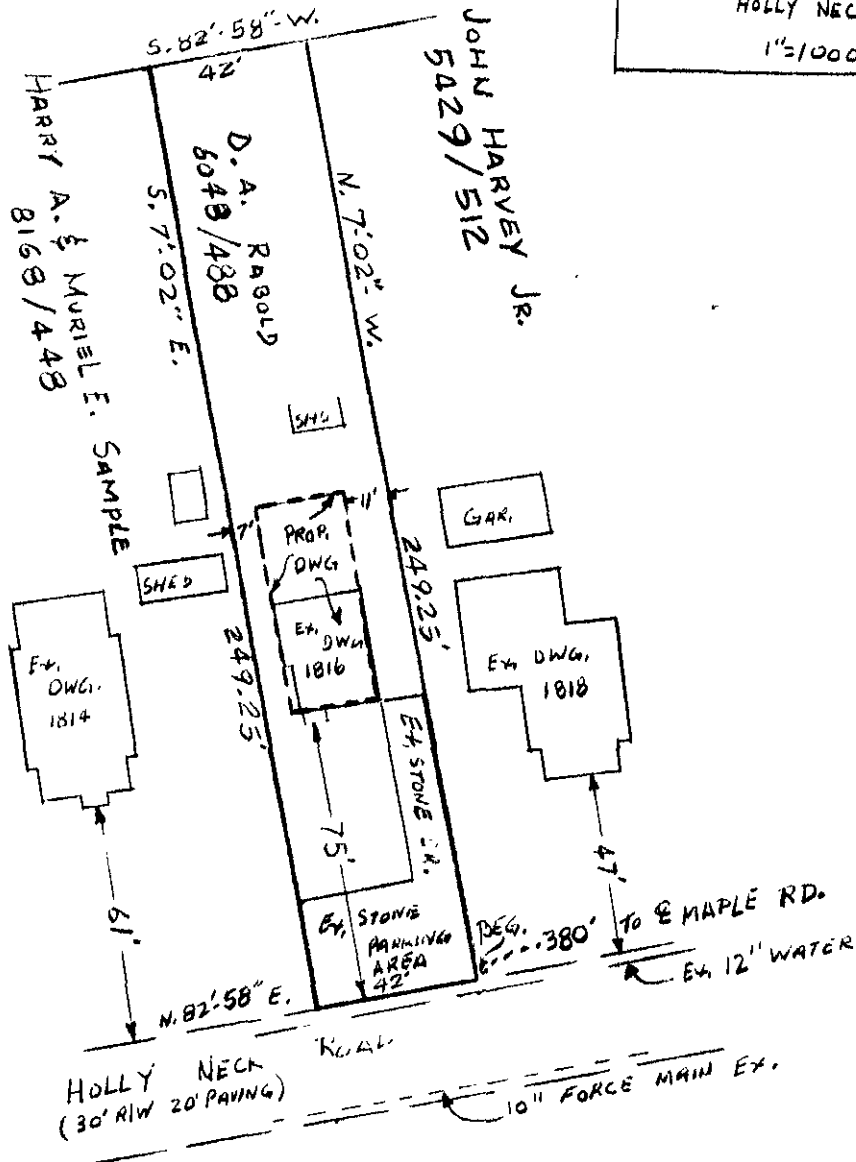
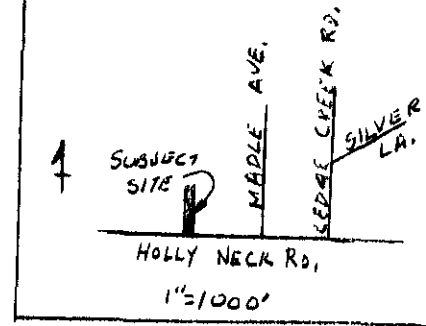
Case Number 98- 389 -A Address 1816 Holly Neck Rd.

Posting Date: 4.26.98 Closing Date: 5.11.98

Wording for Sign: To Permit AN UNDERSIZED LOT WITH SIDEYARD  
SETBACKS OF 7ft. AND 11ft. IN LIEU OF  
THE REQUIRED 50ft. FOR A DWELLING.

DOUGLAS A. RABOLD  
1816 HOLLY NECK ROAD

HOLLY NECK LIMITED  
PARTNERSHIP  
5568/906



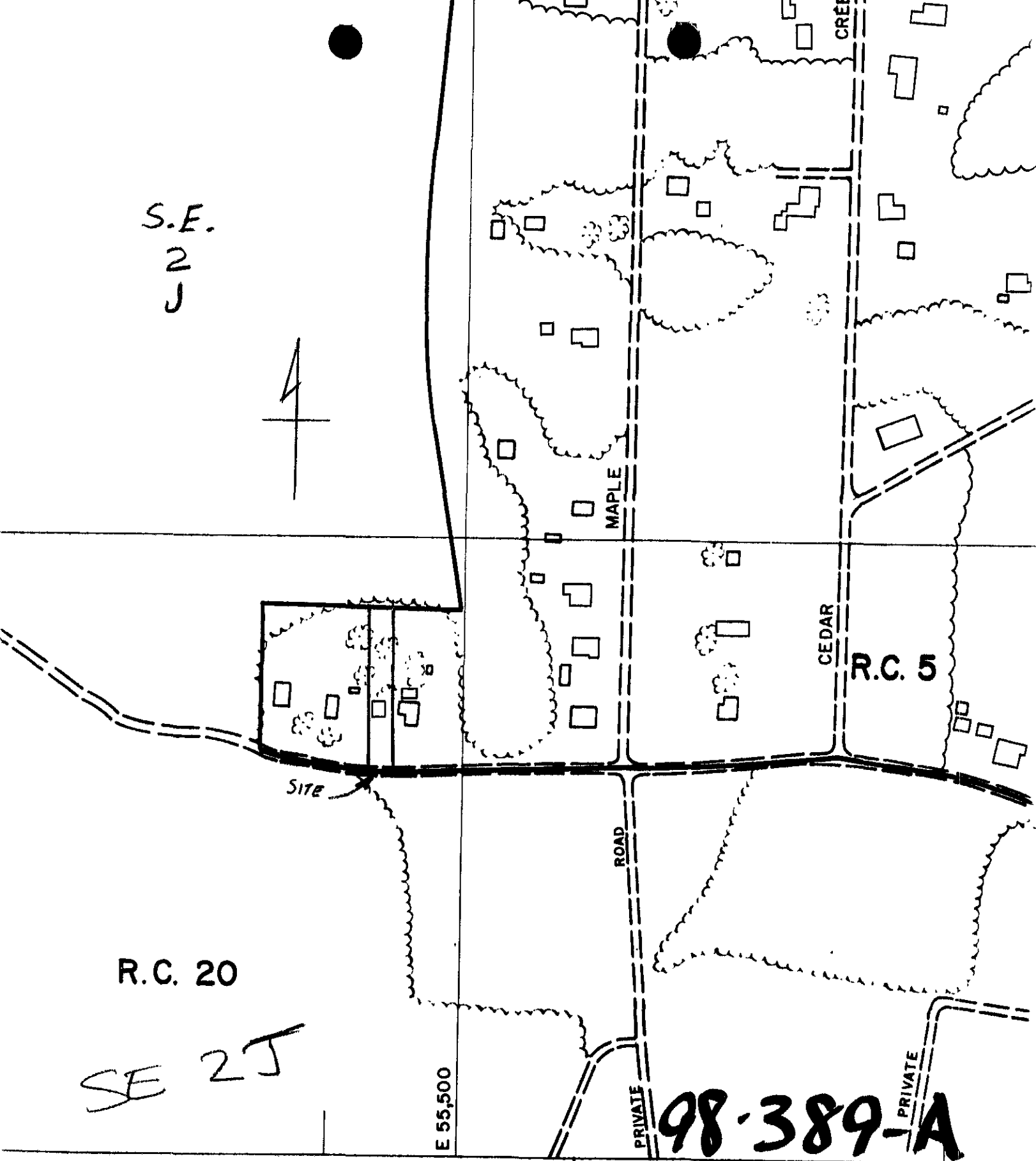
PETITION FOR ZONING VARIANCE  
1816 HOLLY NECK ROAD

ELECTION DISTRICT : 15  
COUNCILMANIC DISTRICT : 5  
LOT : 42' x 250'  
10,500 Sq. Ft.  
• 24 AC.

1"=200' SCALE MAP : S.E. 2-J  
ZONING : R.C. 5

C.B.C.A. : NO

389  
98-389-A



1996 COMPREHENSIVE ZONING MAP

ADOPTED by

THE BALTIMORE COUNTY COUNCIL

OCTOBER 8, 1996

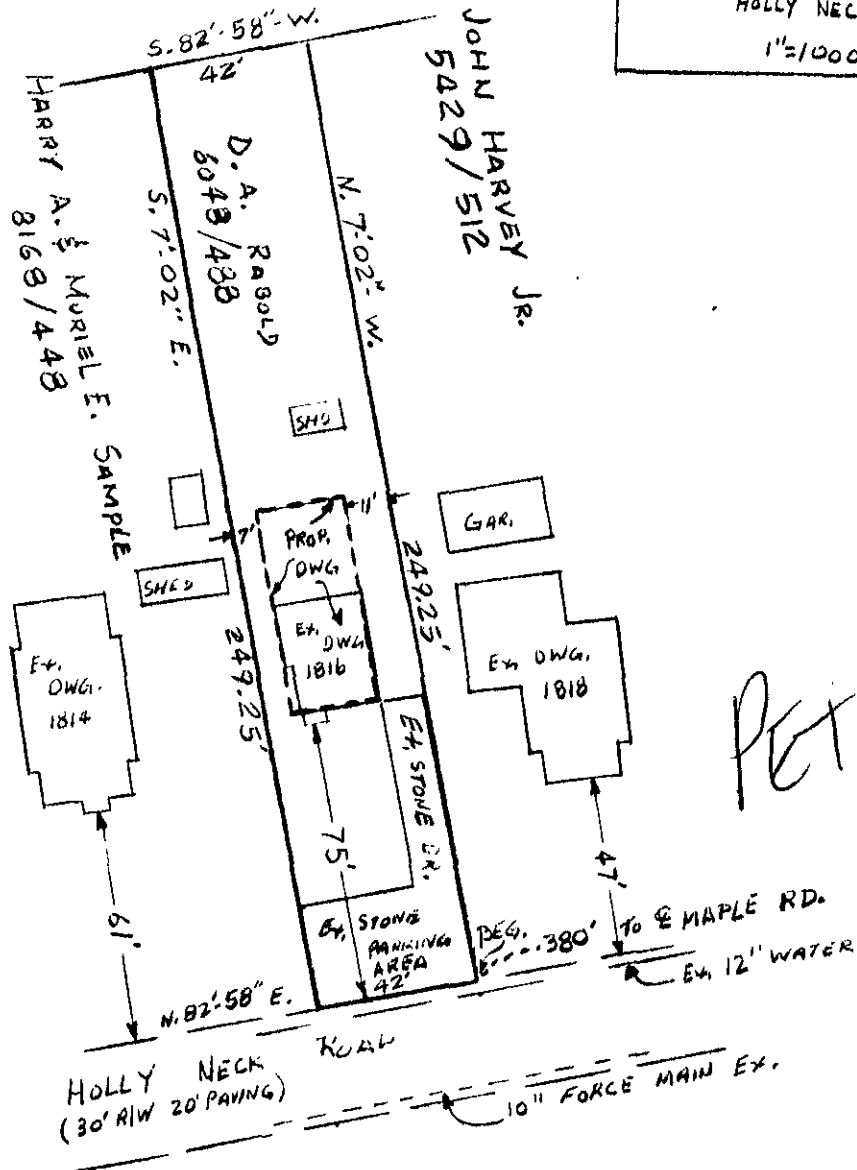
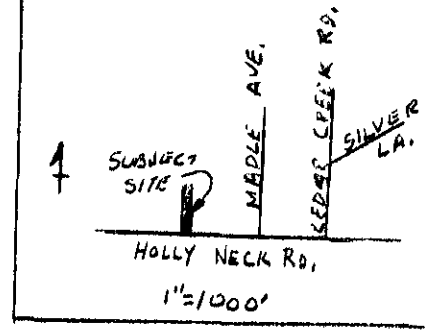
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

*Kerrie Kamenetz*

OFFICE

DOUGLAS A. RABOLD  
1816 HOLLY NECK ROAD

HOLLY NECK LIMITED  
PARTNERSHIP  
5568/906



SCALE: 1"=50'

Pet. Ex. 1

PETITION FOR ZONING VARIANCE  
1816 HOLLY NECK ROAD

ELECTION DISTRICT : 15  
COUNCILMANIC DISTRICT : 5  
LOT : 42' x 250'  
10,500 Sq. Ft.  
24 AC.

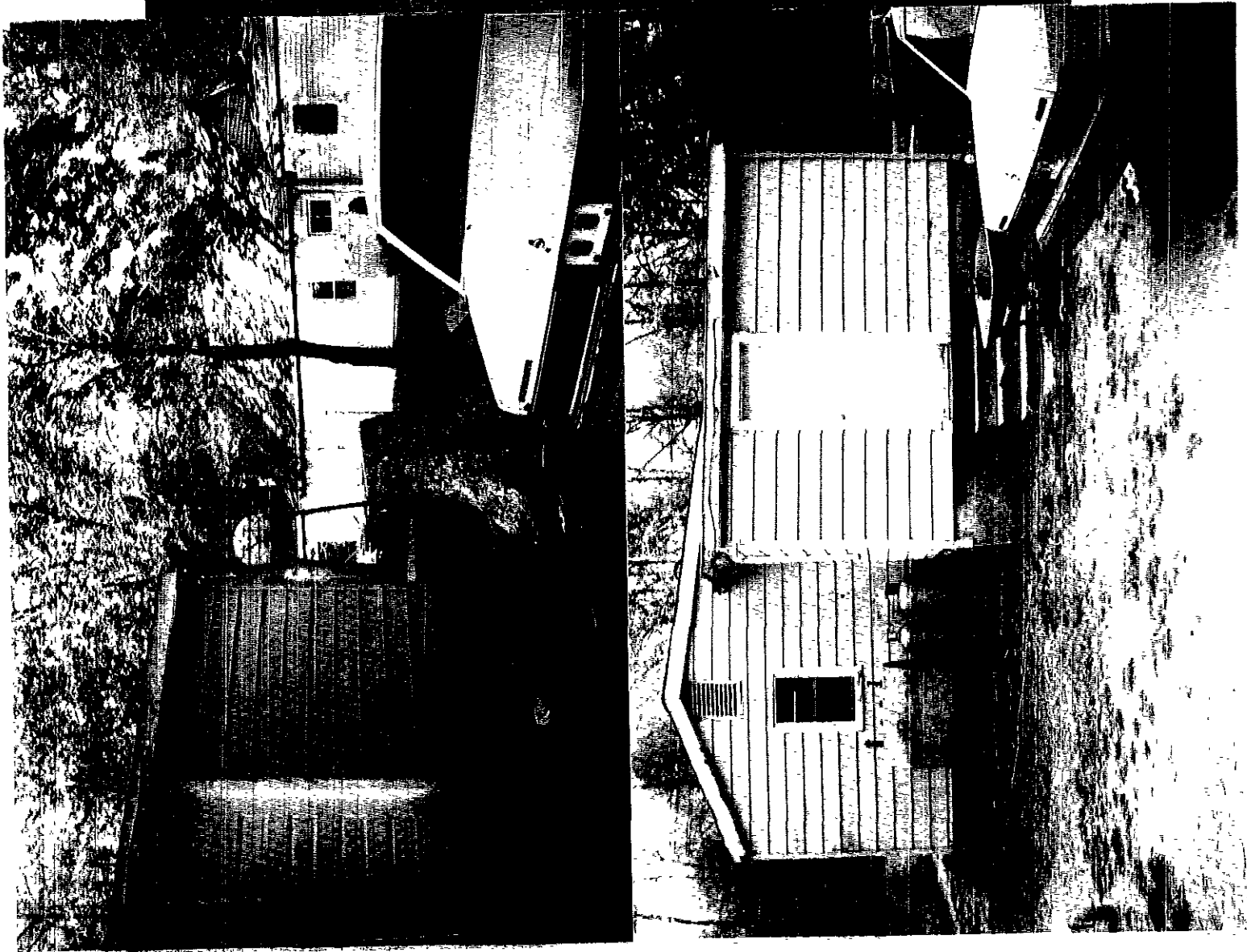
1"=200' SCALE MAP : S.E. 2-J  
ZONING : R.C. 5  
C.B.C.A. : NO

389  
98-389-A



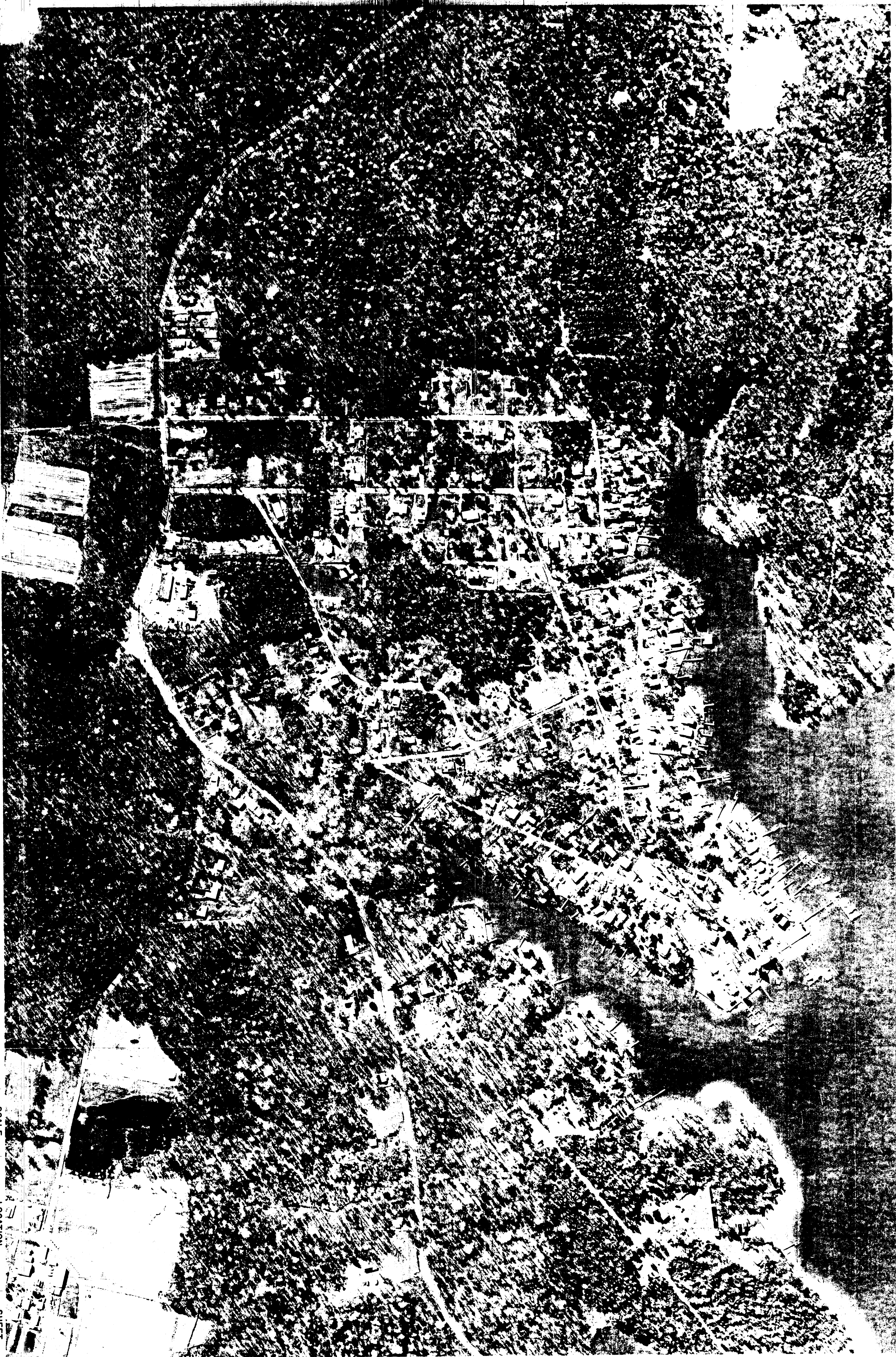
-photographs

98-389-A









PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'	HOLLY NECK	S.E.
DATE OF PHOTOGRAPHY JANUARY 1966	98-389-A	2nd



